

# COMMISSION OF THE EUROPEAN COMMUNITIES

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## REPORT FROM THE COMMISSION TO THE COUNCIL concerning the keeping of laying hens in cages

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### Proposal for a COUNCIL DIRECTIVE

laying down minimum standards for the protection of  
laying hens kept in battery cages

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(submitted to the Council by the Commission)

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2

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

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A. Introduction

The keeping of laying hens in cages is the most widely used means of egg production in the Community and makes a very large contribution to the high productivity of this sector. This means of housing, however, may, in certain cases, lead to unnecessary and excessive suffering on the part of the animal; and this risk justifies the adoption of appropriate measures. The national laws at present in force in the field of the protection of intensively housed animals present differences which may distort conditions of competition and in consequence have a direct effect on the functioning of the common market.

The Council therefore agreed by its Resolution of 22 July 1980<sup>(1)</sup> that the keeping of laying hens in cages must be subject to compliance with minimum standards and criteria established in order to ensure the protection of these animals. At the same time it invited the Commission to submit a report and proposals for achieving this objective, taking the economic implications into account. To this end the Standing Committee for Agricultural Research (SCAR) has studied the questions involved.

At the same time the Commission has investigated the economic aspects of the problem in consultation with the appropriate Community bodies.

B. Minimum standards for caged laying hens : Economic aspects.

The Community production of eggs reached 3.96 mio tonnes in 1979, representing 15 % of world production. The internal trade has increased in the last few years, to reach 441,000 tonnes in 1979, 11 % of total production. Trade with third countries also showed a tendency to rise, reaching 94,000 t. in 1979, of which exports at 66,000 t. were clearly superior to imports at 28,000 t.

The common egg-marketing organisation does not provide for any system for guaranteeing minimum prices to the producer. Market forces establish prices following the law of supply and demand. The marketing organisation supports the egg sector only by a common trade system at the external frontiers of the Community, in the form of import levies and export refunds. Recurring egg surpluses often cause losses to the producer, reducing incomes to critical levels. This imposes a strain on the producer's liquidity and affects his investment capability.

As in most countries where egg production is carried out commercially, eggs in the Community are produced chiefly from hens housed in cages. This system made it possible, together with advances in genetics, feeding and hygiene, to hold the cost of production for eggs relatively constant in recent years, even decades; this was fully passed on to the consumer in the form of stable egg prices.

In the Community there are about 226 mio laying hens kept in cages, around 80 % of the total flock (1979 figures). Only in one member state are less than half the laying hens kept in cages; in eight of the ten member states, more than two thirds are housed in cages. Legal regulations concerning minimum standards for caged laying hens exist in only one member state, Denmark. In the United Kingdom, recommendations in the form of "codes" were made for intensive egg production. In none of the other member states do regulations on standards exist at present. In these countries, formal regulations are replaced by scientific knowledge and practical know-how which takes into account both the production performance and the welfare of the caged birds.

There are no available statistics concerning sizes of cages used in practice. Competent sources maintain that average cage sizes are about 400 cm<sup>2</sup>/bird for light breeds and 450 cm<sup>2</sup>/bird for heavier breeds. These figures are higher in the Danish regulations and the British codes. Trough lengths appear to be around 10 cm/bird; number of tiers between 3 and 4; and flock density at 3 to 5 hens per cage. It should be stressed that in practice cage sizes of between 320 cm<sup>2</sup> and 350 cm<sup>2</sup>/bird for light breeds and less than 400 cm<sup>2</sup>/bird for heavier breeds are used. Such cage sizes are found in all member states.

2. In recent years there have been several studies made on the relationship between production costs and cage sizes. In some cases, starting with the present situation the minimum space per bird has been increased. This can be easily achieved by reducing the number of birds per cage. The most important increase in costs was for building and equipment. The results of the various studies can be summarised as follows :

- an increase in the minimum space per bird of around 25 % (e.g. from 360 to 450 cm<sup>2</sup>/bird or from 400 to 500 cm<sup>2</sup>/bird) may lead to a production oncost of about 4 %, equivalent to 3 ECU/100kg of eggs ;
- an increase in the minimum space per bird of around 50 % (from 400 to 600 cm<sup>2</sup>/bird) may lead to a production oncost of about 8 - 9 %, equivalent to 6 - 7 ECU/100kg of eggs.

The above-quoted oncosts are to be regarded as minimum, since only building and equipment costs are taken into account. Changes to other cost factors are quite possible. Modification of the flock density/m<sup>2</sup> can lead to a reduction in the hen house temperature, leading to increased feed consumption and thus higher feed costs or supplementary heating causing higher energy costs.

Increase in the cage space/bird leads to an increase in production costs per egg ; conversely, the question can be put, from an economic standpoint, how far could cage space per bird be reduced without seriously affecting the production performance of the laying flock.

Research in this area has shown that the economic optimum is reached with a cage size of 400 - 450 cm<sup>2</sup>/bird.

On either side of this range production will be less profitable, caused on the one hand (less than 400 cm<sup>2</sup>/bird) by a sharp increase in mortality and on the other (more than 450 cm<sup>2</sup>/bird) by a significant increase in capital costs : building, equipment, wages.

3. If a minimum legal requirement in the region of 450 cm<sup>2</sup> per bird were to be fixed for cage sizes, this would oblige producers presently using less space per bird to remove one bird per cage. Since producers cannot be expected to reduce the size of their flocks and therefore their production, this would mean that these producer would have to provide additional housing facilities for the birds removed. This would mean additional investment. The subsequent increase in production costs might be partly offset by a reduction in mortality rates. It is impossible to estimate the number of producers who would be affected by such a measure, since no figures are available, but it is thought that this number would not be insignificant.

- 4 -

If a minimum of 600 cm<sup>2</sup> were to be introduced, practically every producer in the Community would be affected. It would be necessary to remove at least one and possibly 2 or even 3 birds from each cage. Production cost would go up by about 8 % or 6 - 7 ECU/100kg. Since caged laying hens produce about 3.5 mio t. of eggs per year, this would produce an oncost of 210 - 240 mio ECU per year for the Community. For at least a quarter (57 mio birds) of the present laying flock new housing facilities would have to be provided. At 15 ECU per bird housed, this would mean a total investment by the producers of 855 mio ECU. This excludes land costs. In addition legal requirements in relation to environment protection, waste disposal and building regulations may hamper or hinder new construction.

Such an increase in production costs would affect all producers, and therefore, the whole egg sector. This global rise would push up prices in the medium and long term, producers being obliged to pass on the increase to the consumer. The amount of the price rise to the consumer would at least equal the increase in production costs and could lead to a lessening in customer demand.

As far as trade with third countries is concerned, it is not impossible that third countries might enjoy a certain competitive advantage over Community producers, since minimum standards regulations and the associated costs would not apply to them. In this case the Community will take appropriate measures.

To impose Community standards for cages to eggs imported from third countries would be difficult. However, it would be possible to adjust the instrument which is applied to imports, namely the levy. A similar procedure could be adopted, if necessary, for egg exports to third countries. The Community could take into account the modification to costs and prices due to minimum standards regulations when establishing the level of export refunds.

C. Scientific aspects of the welfare of the egg laying hen

1. Cruel practices must be avoided and the welfare of poultry in cages considered in more detail. These views expressed on this complex subject of poultry welfare by a multidisciplinary group of consumers, industrialists, legislators, producers, scientists, veterinarians and welfarists invited by the Commission, Directorate General for Agriculture, to a forum at the CEC in Brussels on 29 February 1980 were taken account of by the Commission in its scientific seminar "The laying hen and its environment" (EUR 6877 EN) held in Luxembourg from 11 - 13 March 1980. The aims of this scientific meeting were :
  - (1) to review the information available on the technical aspects of the welfare of the laying hen;
  - (2) to consider the gaps in knowledge and
  - (3) to indicate those priority areas where research should provide information to aid an understanding of the welfare needs of laying poultry.Despite a lot of data the seminar concluded that, to answer the major scientific questions posed, investigations would be necessary for several years on three main themes :
  - (1) the space requirement of laying hens,
  - (2) the nesting behaviour and feelings of laying hens,
  - (3) improvement in cage design for laying hens, including alternatives to the battery system.
2. To comply with the request from the Council for a report by 1 July 1981, as a first step on minimum standards for caged laying poultry, the Commission, as a result of meetings on 23 July, 24 November 1980 and 12 February 1981 in Brussels, has assembled advice from poultry scientists of the Member States.

A number of main parameters were identified and subdivided :

- (1) behaviour embraces feeding, drinking, laying, comfort and social needs,
- (2) environment includes ventilation, temperature, humidity, light and noise,
- (3) welfare assumes the absence through strict control of disease, injury and mutilation.

In terms of minimum standards at present the two important aspects are :

- (1) space,
- (2) feeding including drinking.

In view of statements published (EUR 6877 EN) and the range of space being studied in research programmes a basis of some 450 sq cm per bird subject to the size of the bird and the number of birds in a cage appears to be the minimum considered at the present time.



The experts underlined the importance of defining how space is measured and the difficulty of arriving at a single figure. The available evidence supports the belief that all birds may not be able to feed at the same time if the minimum trough length is 10 cm or less per bird.

The poultry scientists in trying to assess agreed minimum values, also proposed that any agreed parameters and values would need to be set, at least initially, in relation to inter alia existing practice, economics, marketing in the European Community and farther afield including the implications of the Council of Europe, "The European Convention on the Protection of Animals kept for farming purposes" (1976) STRASBOURG.

3. Actions taken recently by the Commission (1981) to support a research programme on selected priority aspects of poultry welfare in the period 1981-83 should help to provide a better technical basis for future assessments of welfare needs. By modifying its present agricultural research budget to initiate this important work little time has been lost by the Commission. Some 200,000 Ecu per year for three years, plus a similar sum from participating laboratories, will be spent at centres of excellence in the European Community in a carefully collaborated programme. Additional support from the Commission of about 100,000 Ecu per year will be used to coordinate the programme with seminars, workshops, scientific missions and exchanges.

#### D. Conclusions

Despite considerable amount of available information investigated concerning laying hens in cages, there is still a wide divergence of opinions concerning the interpretation of this information. This is especially the case in respect of the essential behavioural needs of laying hens and of the adverse effects of housing conditions in battery cages. Nevertheless taking into account all functions involved it does appear possible to propose minimal criteria which should be uniformly applied in order to protect caged birds from unnecessary suffering. It is apparent that such a step will have some economic consequences and it is therefore necessary to envisage a certain delay in order to enable the industry to adopt with the minimum disturbance of the market.

It is not possible at the present time to clearly define and indicate optimum conditions for keeping laying hens. It is necessary to continue studies on the welfare of laying hens kept in the various systems of housing including defining optimum cage design criteria. Simultaneously further studies must be continued on the economic and marketing aspects of existing and future alternative systems of egg production, this is necessary to provide a better technical basis for future assessments of welfare needs in relation to the poultry industry.

Detailed working documents, used for elaborating this report, will be transmitted separately to the Council.

PROPOSAL  
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10

## EXPLANATORY MEMORANDUM

The development of modern methods of intensive animal production has resulted in considerable improvement in productivity, however, this raises some growing fears about the welfare of animals, particularly the case for the use of battery cages for egg laying hens.

This is why, the Community is continually developing its actions on animal protection. In addition to protection at the time of slaughter and in transport, the Community is preoccupied with farm animal welfare attacking firstly the most urgent problems, taking battery cages for hens as first priority but also recognising the importance of calf and pig welfare where in fact certain research actions have already been started by the Community.

Conforming with the Council resolution of 22 July 1980<sup>(1)</sup>, the Commission has assembled a report using the scientific and economic facts available and, on the basis of this report, proposes arrangements necessary to reach the goal that is to reconcile with the imperatives of animal protection, social ethics, hygiene and economy.

The object of the proposal presented is to establish the necessary measures and a timetable of actions which will allow reasonable economic adaptation. This proposition especially aims, in the future, for cages to be conceived in such a way that the essential needs of the birds are more satisfying and that in particular each hen has available to her at least 500 cm<sup>2</sup>.

However, in order to take account of the delays necessary for amortisation of existing equipment and the investment to be made, a limited derogation until 1987 is foreseen to allow cages presently in use to continue.

These measures only constitute a first stage and the Commission proceeds with research on the welfare of caged hens in batteries and other systems of housing.

In order to do this and to extend the action to other species of farm animals, the Commission underlines the necessity to have reinforced the means at its disposal, particularly in view of the fact that at present the Commission does not have even one full time official working in this major area. The development of scientific research merits the creation of an A post and as for the legislative actions, the Commission recalls that, in its communication to the Council on 3 March 1978<sup>(2)</sup> it has already underlined this problem and the creation of this A post too is indispensable for the future.

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(1) O.J. No C196 of 2.8.1980, p. 1

(2) COM(78) 99 final.

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,  
and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Having regard to the opinion of the Economic and Social Committee (2),

Whereas most Member States have ratified the European Convention for the protection of animals kept for farming purposes; whereas the Community has also approved this Convention by Council Decision 78/923/EEC (3);

Whereas the keeping of laying hens in battery cages is the most widely used means of egg production in the Community and makes a very large contribution to the high productivity of this sector;

Whereas, however, this means of housing may, in certain cases, lead to unnecessary and excessive suffering on the part of the animal; whereas this risk justifies the adoption of appropriate measures;

Whereas the national laws at present in force in the field of the protection of intensively housed animals present differences which may distort conditions of competition and in consequence have an effect on the functioning of the common market;

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(1)

(2)

(3) O.J. n° L 323, 17. 11. 1978, p. 12.

Whereas there is therefore a need to establish priority parameters and define common minimum requirements which are satisfactory from the point of view of animal protection, social ethics and health and are economically appropriate in all intensive housing systems; whereas it is necessary for this purpose, as a first step, to establish Community measures in order to ensure the protection of laying hens in battery cages;

Whereas, to provide the basis for further Community measures, the studies on poultry welfare must be continued, not only as regards the keeping of poultry in battery cages but also in possible alternative systems of housing;

HAS ADOPTED THIS DIRECTIVE :

#### Article 1

This Directive lays down the minimum standards for the protection of laying hens kept in battery cages.

#### Article 2

For the purpose of this Directive :

1. Laying hens means adult hens of the species *gallus gallus* which are kept for egg production.
2. A battery cage means any enclosed space used to contain laying hens in a battery system.
3. A battery system means an arrangement of cages beside and/or on top of each other.

### Article 3

Member States shall ensure that for laying hens kept in cages the following provisions are applied for all battery cages put in use for the first time:

1. At least 500 cm<sup>2</sup> cage area, measured in a horizontal plane, which may be used without restriction shall be provided for each laying hen. In all cases the minimum cage size shall not be less than 1600 cm<sup>2</sup>.
2. All the animals in each cage must be able to eat at the same time, and a trough length which may be used without restriction of not less than 12 cm must be provided for each laying hen.
3. A continuous drinking channel shall be provided of the same length as the trough mentioned in paragraph 1, unless nipple drinkers or drinking cups are provided. Where nipple drinkers or drinking cups are provided at least two shall be within reach of each cage.
4. The cages shall be at least 40 cm high over the total minimum cage area.
5. The floor of cages must enable the laying hen to rest on three claws of each foot. Floor slope shall not exceed 14% or 7,5 degrees.

### Article 4

Member States shall ensure that from 1 July 1995 all battery cages which are not at least in conformity with the requirements of Article 3 are not used for keeping laying hens.

### Article 5

Member States shall ensure that conditions for laying hens kept in battery cages are in accordance with the general requirements laid down in the Annex.



#### Article 6

Member States shall ensure that at least random inspections of laying hens in battery systems are made by the competent authority to verify the application of the requirements of this Directive including those of the Annex.

#### Article 7

1. The Commission shall continue studies on the welfare of laying hens in the various systems of housing including cages.
2. The Commission shall submit before 1 January 1984 a report and, where appropriate, proposals to the Council on the results of the studies referred to in paragraph 1.

#### Article 8

The provisions of the Annex may be amended in accordance with the procedure laid down in Article 10 in order to take account of scientific developments.

#### Article 9

On-the-spot inspections shall be carried out by Commission experts to ascertain whether the provisions of this Directive, including those of the Annex, are uniformly complied with.

The Member State on whose territory an inspection is made shall afford the experts all necessary assistance in the performance of their duties.

#### Article 10

1. Where the procedure laid down in this Article is to be used, matters shall without delay be referred by the Chairman, either on his own initiative or at the request of a Member State, to the Standing Veterinary Committee (hereinafter called "Committee").

2. Within the Committee the votes of Member States shall be weighted as provided in Article 148 (2) of the Treaty. The Chairman shall not vote.
3. The representative of the Commission shall submit a draft of the measures to be adopted. The Committee shall deliver its opinion on such measures within two days. Opinions shall be delivered by a majority of 45 votes.
4. The Commission shall adopt the measures and shall apply them immediately where they are in accordance with the opinion of the Committee. If they are not in accordance with the opinion of the Committee or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal concerning the measures to be adopted.

The Council shall adopt the measures by a qualified majority.

If, within three months from the date on which the proposal was submitted to it, the Council has not adopted any measures, the Commission shall adopt the proposed measures and apply them immediately save where the Council has decided by a simple majority against those measures.

#### Article 11

The Member States shall bring into force the laws, regulations and administrative provisions required in order to comply with this Directive on 1 July 1983. They shall immediately inform the Commission thereof.

#### Article 12

This Directive is addressed to the Member States.

Done at Brussels

For the Council

## ANNEX

1. The form and type of the materials employed for constructing the cages, the construction of the cages and the condition of the cages must be such as to prevent injury to the animals to the extent possible in the existing state of technology.
2. Design and size of the cage opening must make it possible to take out an adult hen without causing pain or damage.
3. The cages must be properly adjusted to prevent birds escaping.
4. Food and water must be available in sufficient quality and quantity.
5. Proper insulation and ventilation of the house must ensure that air velocity dust level, temperature, relative air humidity and gas concentrations are kept within a range not harmful to the birds.
6. In case of artificial lighting the birds shall have an appropriate resting period each day during which the light intensity shall not exceed 0,5 lux.
7. It shall be ensured that hens are cared for by an adequate number of personnel with adequate knowledge and experience of egg-laying hens and of the production system used.
8. The birds shall be carefully checked at least once each day by the person in charge of the birds.  
  
During this check the light conditions must enable a careful inspection of the birds.
9. More than three tiers of cages shall be permitted only if suitable installations or measures make it possible to ensure inspection of the additional levels without difficulty.
10. For poultry whose state of health and behaviour differs from the normal, steps shall be taken to establish the cause and appropriate

remedial measures shall be implemented eg treatment, removal, culling or attention to environmental factors. If the cause is traced to an environmental factor which it is not essential to remedy immediately this should be corrected when the accommodation is emptied and before the next batch of poultry is put in.

11. Short records of the egg production and the number of poultry lost and the apparent reasons for the losses shall be made, kept at least one year after the removal of the flock and be made available to the competent authority.
12. All automatic or other mechanical equipment upon which the birds depend for their health and welfare must be inspected for defects at least once daily. Where defects are discovered these must be rectified immediately or, if this is impracticable, other appropriate steps taken to safeguard the health and welfare of the poultry until the defect can be rectified. Alternative ways of feeding and of maintaining a satisfactory environment must be available for use in the event of a break down. There must be an alarm system to warn the stock-keeper of failure of any essential automated equipment.
13. Those parts of the accommodation with which the poultry come into contact shall be thoroughly cleaned and disinfected every time the accommodation has been emptied and before new poultry are brought in. While the accommodation is occupied by poultry, the interior surfaces and all equipment therein shall be kept satisfactorily clean.